

IN THE HIGH COURT OF UTTARANCHAL AT
NAINITAL
WRIT PETITION NO. 1426 (SS) OF 2005

Anis Begum,
Aged about 41 years,
W/o Sri Abdul Salam Gazi,
Sitarganj, District – Udham Singh Nagar. Petitioner.

Versus

1. Chief Medical Officer, Community Health Centre,
Sitarganj, Udham Singh Nagar.
2. In-charge Medical Officer, Community Health Centre,
Sitarganj, Udham Singh Nagar.
3. Smt. Kamla Adhikari, Auxiliary Nurse-cum-Midwife,
Achtabihi, Primary Health Centre, Nanakmatta.
.....Respondents.

Mr. D.S. Patni, Advocate for the petitioner.

Learned Standing Counsel for the State.

Dated: 23.03.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the transfer order dated 6th September, 2005 passed by the respondent no. 2. Further prayer has been made for a writ of mandamus commanding the respondents to allow the petitioner to work on the post of Auxiliary Nurse-cum-Midwife (Basic Health Centre) at Pandari, Sitarganj, Udham Singh Nagar.

Briefly stated, the petitioner was initially posted as Basic Health worker in the year, 1984 and in pursuance of the Reorganization Act, 2000, she gave her option for State of Uttaranchal.

The Chief Medical Officer, Udham Singh Nager vide letter dated 29.08.2005 directed the respondent no. 2 to transfer Auxiliary Nurse-cum-Midwife (Basic Health Centre) to Sub Centre Achetabihi. The said letter shows as under:-

“उपरोक्त विषय पर आपके पत्रांक उपकेन्द्र/2805/99 दिनांक 20-08-2005 के सन्दर्भ में निर्देशित करना है कि उपकेन्द्र पंडारी में कार्यरत दो ए0एन0एम0 में से कनिष्ठतम को उपकेन्द्र एचताबिही में तैनात कर कृत कार्यवाही से सूचित करने का कष्ट करें।”

Further from the facts on the record, it appears that on 1st September, 2005, respondent no. 3 namely Smt. Kamla was transfer to Achetabihi in Nanakmatta. The said order is quoted below:-

“मुख्य चिकित्साधिकारी, उधमसिंहनगर के पत्र संख्या ई-1/ए0एन0एम0/2005/1611 दिनांक 29-08-2005 के अनुपालन में आपको आदेशित किया जाता है कि आप उपकेन्द्र पण्डारी में कनिष्ठतम होने के कारण आपकी तैनाती एचताबिही, उपकेन्द्र प्रा0स्वा0के0, नानकमत्ता में की जाती हैं।?”

अतः आपको आदेशित किया जाता है कि आप अपना कार्यभार उपकेन्द्र एचताबिही में ग्रहण करना सुनिश्चित करें और इसकी सूचना इस कार्यालय को देना सुनिश्चित करें।”

Thereafter on 3rd Spetember, 2005, the said order was canceled and instead of transferring Smt. Kamla, the petitioner Smt. Anis Begum has been transferred to the place Achetabihi in Nanakmatta.

The grievance of the petitioner is that this cancellation has taken place on account of the political influence, which has been exhorted by the respondent no.3.

Petitioner has submitted that the single transfer has taken place in mid session, which was not required at all.

In paragraph 11 of the writ petition, the petitioner has submitted that there is no Bus conveyance from Pandari to Achetabihi and even foot path is approximately 15 to 16 kms.

from Pandari and her children are studying in Class 9 and 10, and being a lady, which is not possible for her to go on foot,

Considering the grievance of the petitioner, the petitioner has unnecessarily been transferred by order dated 3rd September, 2005 when in point of fact the respondent no. 3 was to be transferred by way of the order dated 1st September, 2005, I find force in the submission of the petitioner, the order dated 3rd September, 2005 is quashed. It will be open for the respondents to consider someone else, who can be a helpful to the place, where the petitioner has been transferred.

However, so far as the petitioner is concerned, the transfer order is quashed. It will be open for the respondents to pass fresh order after considering the grievances of the petitioner and if possible by placing someone at that place.

Writ petition is allowed. No order as to costs.

(Rajesh Tandon, J.)

23.03.2006

Rathour

